

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday March 16, 2015 at 10:00 a.m.
Indiana Government Center-South, Room W064
402 West Washington Street
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Weisheit called the meeting to order at 11:00 a.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

Diane Weisheit, President
Joseph Barsic, Vice President
Diana Bonn
Gary Odell
Rebecca Bushong

Board Member Absent:

David Demuth

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Jennifer Broadbent, Assistant Director, Indiana Professional Licensing Agency
Philip Thompson, Board Advisory Counsel, Office of the Attorney General
Courtney Bowling, Inspector
Lana Conroy, Inspector
Jeanne Tucker, Inspector

ADOPTION OF THE AMENDED AGENDA

The agenda was adopted as amended.

Bonn/Barsic
5/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE NOVEMBER 17, 2014 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the November 17, 2014 meeting.

Bonn/Barsic
5/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report filed.

ADMINISTRATIVE HEARINGS

Administrative Hearing in the Matter of Dawn D. Wickliff, BC20201298, SBCBE 10-24

A motion was made and seconded to withdraw probation.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of JC Nails, MS30701124, SBCBE 11-29

A motion was made and seconded to withdraw probation.

Bonn/ Barsic
3/2/0
Motion carried.

Administrative Hearing in the Matter of Ronnie C. Guy, Jr., BA11400043, SBCBE 14-10

A motion was made and seconded to withdraw probation.

Barsic/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Alberta Davis, ES21100012, SBCBE 14-80

A motion was made and seconded to issue a notice of proposed dismissal.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Twisted Scissors Hair Studio, BS31300136, SBCBE 14-149

A motion was made and seconded to withdraw probation.

Bonn/Barsic
5/0/0
Motion carried.

Administrative Hearing in the Matter of Nichole Marie Kelsey, BC21011155, SBCBE 13-89

A motion was made and seconded to withdraw probation.

Barsic/ Bushong
5/0/0
Motion carried.

Administrative Show Cause Hearing in the Matter of Spa Nails 2, MS30500147, SBCBE 14-61

A motion was made and seconded to issue a Notice of Default.

Bonn/Barsic
5/0/0
Motion carried.

A motion was made and seconded to issue an order to cease and desist.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Jomo Cole, BA1100092, SBCBE 13-04

A motion was made and seconded to issue a Notice of Default.

Barsic/O'Dell
5/0/0
Motion carried.

A motion was made and seconded to find Respondent in violation, place the license on indefinite probation with no right to petition for removal of probation for one year, impose a fine of \$500 payable within six months, impose costs of the proceedings, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Barsic/O'Dell
4/1/0
Motion carried.

Administrative Hearing in the Matter of The Surface, LTD, BS3020050, SBCBE 14-57

A motion was made and seconded to issue a Notice of Default.

Bushong/Barsic
5/0/0
Motion carried.

A motion was made and seconded to find Respondent in violation, order consumer restitution to Nancy S in the amount of \$100.00 payable within 30 days, impose a fine of \$500 payable within 30 days, impose costs of the proceedings, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, and place the license on indefinite probation with no right to petition for removal of probation until sanctions are complete.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Cornell Louis Byrd, BA1050028, SBCBE 14-56

A motion was made and seconded to issue a Notice of Default.

Barsic/O'Dell
5/0/0
Motion carried.

A motion was made and seconded to find Respondent in violation, place the license on indefinite probation with no right to petition for removal of probation for one year, impose a fine of \$1000 payable within one year, impose costs of the proceedings, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Bonn/Barsic
5/0/0
Motion carried.

Administrative Hearing in the Matter of Jamarson Fitzgerald, BA10500043, SBCBE 14-107

A motion was made and seconded to issue a Notice of Default.

Bonn/Bushong
5/0/0
Motion carried.

A motion was made and seconded to find Respondent in violation and to revoke the license.

Barsic/O'Delle
5/0/0
Motion carried.

Administrative Hearing in the Matter of Tariq Talib, BA109000124, SBCBE 14-97

A motion was made and seconded to issue a Notice of Default.

Barsic/O'Dell
5/0/0
Motion carried.

A motion was made and seconded to find Respondent in violation, to rescind the license, and prohibit the Respondent from reapplying for licensure for a period of 99 years.

Bonn/Barsic
5/0/0
Motion carried.

Administrative Hearing in the Matter of Bertha A. King, MA20301674, SBCBE 14-87

A motion was made and seconded to issue a Notice of Default.

Barsic/Bushong
5/0/0
Motion carried.

A motion was made and seconded to find Respondent in violation, place the license on indefinite suspension , impose a fine of \$1000 payable within six months, impose costs of the proceedings, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Alexis A. Keddie, BC20600400, SBCBE 14-51

A motion was made and seconded to issue a Notice of Default.

Barsic/O'Dell
5/0/0
Motion carried.

A motion was made and seconded to find Respondent in violation, place the license on expired indefinite probation.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Lather SPA & Salon, BS31004032, SBCBE 14-60

A motion was made and seconded to issue a Notice of Default.

O'Dell/Barsic
5/0/0
Motion carried.

A motion was made and seconded to find Respondent in violation, require consumer restitution in the amount of \$325.00 payable within 30 days, impose a fine of \$1000 payable within six months place the license on expired indefinite probation status, impose costs of the proceedings, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Holly Spa & Nails, MS31003911, SBCBE 14-104

A motion was made and seconded to find Respondent in violation, impose indefinite probation with no right to petition for removal for a period of one year, require submission of sanitation reports every other month, impose a fine of \$1500 payable within ninety days, impose costs of the proceedings, impose the \$5 fee to the health records and personal identifying information protection trust fund, and require a personal appearance before November 16, 2015.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Elite Nail Spa, MS30802056, SBCBE 14-104A

A motion was made and seconded to issue a Notice of Proposed Default.

Barsic/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of Lady Bug Salon, SBCBE 14-105A

A motion was made and seconded to issue a Notice of Proposed Default.

Barsic/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of Nail Fashions, MS31200097, SBCBE 14-89

A motion was made and seconded to find Respondent in violation, impose indefinite probation with no right to petition for removal for a period of one year, impose a fine of \$2000 payable within three months, impose costs of the proceedings, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Bonn/Bushong
5/0/0
Motion carried.

Administrative Hearing in the Matter of Highland Village Laundry, TB50600035, SBCBE 14-102

A motion was made and seconded to issue a Notice of Proposed Default.

Barsic/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of Bryan Jamaal King, BA10900052, SBCBE 14-90

A motion was made and seconded to issue a Notice of Proposed Default.

Bushong/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of Hakim S. Alsum, BA10900118, SBCBE 14-91

A motion was made and seconded to issue a Notice of Proposed Default.

Bushong/Barsic
5/0/0
Motion carried.

Administrative Hearing in the Matter of Asher Parker, BA10900041, SBCBE 14-92

A motion was made and seconded to issue a Notice of Proposed Default.

Bushong/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of J'Mel Dowdell, BA10900081, SBCBE 14-94

A motion was made and seconded to issue a Notice of Proposed Default.

Bushong/O'Dell
5/0/0
Motion carried.

Administrative Hearing in the Matter of James L. Warren, BA10900002, SBCBE 14-95

A motion was made and seconded to issue a Notice of Proposed Default.

Bushong/Barsic
5/0/0
Motion carried.

Administrative Hearing in the Matter of Brian L. Curd, BA10900064, SBCBE 14-96

A motion was made and seconded to issue a Notice of Proposed Default.

Bushong/Barsic
5/0/0
Motion carried.

Consideration of Application for Beauty Culture Salon and Beauty Culture Mobile Salon License Reinstatement in the Matter of The Sun Spa, LLC, Amber Clark, Owner

It was the decision of the board to table the application for personal appearance.

Bonn/Bushong
5/0/0
Motion carried.

Personal Appearances and Consideration of Application for License Renewal in the Matter of Rated Next Barber Stylist School, SC40900055

A motion was made and seconded to deny the application for failure to appear or send a representative.

Bonn/Barsic
5/0/0
Motion carried.

Personal Appearances and Consideration of Application for License Renewal in the Matter of Regency Beauty Institute, SC10600005

A motion was made and seconded to approve the application for renewal.

Bushong/Bonn
5/0/0
Motion carried

Personal Appearances and Consideration of Application for License Renewal in the Matter of Capricorn Hair Salon, BS30300194

A motion was made and seconded to approve the license on indefinite probation with no right to petition for removal until the salon passes inspection.

Bushong/Barsic
5/0/0
Motion carried

Personal Appearances and Consideration of Application for License Renewal in the Matter of Pro Nails, MS39500704

A motion was made and seconded to approve the license on indefinite probation with no right to petition for removal for one year.

Bonn/Bushong
5/0/0
Motion carried

Personal Appearances and Consideration of Application for License Renewal in the Matter of Frances Hair Salon, BS39500706

A motion was made and seconded to deny the renewal due to the fact that the owner testified she has moved the salon.

Bonn/Bushong
5/0/0
Motion carried

Personal Appearances and Consideration of Application for License Renewal in the Matter of Stephen Harrold, BC02213861 & CI102213861

A motion was made and seconded to deny the renewal for failure to appear.

O'Dell/Barsic
5/0/0
Motion carried

Personal Appearances and Consideration of Application for License Reinstatement in the Matter of Stana Butler, BC20001374

A motion was made and seconded to approve the application for reinstatement.

Bonn/O'Dell
5/0/0
Motion carried

Personal Appearances and Consideration of Application for License Reinstatement in the Matter of Creative Design Stylin Centre, BS88601399

A motion was made and seconded to approve the application for reinstatement.

Bushong/Barsic
4/1/0
Motion carried

Consideration of Application for Beauty Culture School License in the Matter of Tricoci University of Beauty Culture, 639 Columbia Street, Lafayette, IN

This location is two city blocks from the main school. It was the consideration of the board to table the application and suggest the applicant obtain assistance from their attorney.

Consideration of Proposed Findings of Facts, Conclusions of Law and Order Jonathan Barker, BA10600023. SBCBE 13-02

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong/O'Dell
5/0/0
Motion carried

Consideration of Proposed Findings of Facts, Conclusions of Law and Order L.A. Nails Salon, MS39500407, SBCBE 14-50

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bonn/Bushong
5/0/0
Motion carried

Consideration of Proposed Findings of Facts, Conclusions of Law and Order Nail Supply Salon, MS30100260, SBCBE 14-88

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bonn/Bushong
5/0/0
Motion carried

Consideration of Proposed Findings of Facts, Conclusions of Law and Order Clair Coucum, ES20300244, SBCBE 14-142

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bonn/Bushong
5/0/0
Motion carried

Discussion Regarding United States Department of Education Office of Postsecondary Education Correspondence for Compliance with Federal Guidelines to Allow Beauty Culture Schools to Accept Federal Funds

Philip Thompson indicated the federal regulations and state statute indicates the board would need to promulgate rules to determine requirements beauty culture schools would need to meet to be designated as post secondary education institutions. It is not clear what these requirements should be to meet the federal guidelines however. The Federal Dept. of Education has not been forthcoming with exactly what is needed to meet their requirements. Mr. Thompson indicated he is not aware of exactly what the proposed rule should contain because he does not know the intent of the Federal Dept. of Education regulations.

Consideration of Proposed Rule Draft Regarding Tanning Facilities

A motion was made and seconded to approve the draft to move forward with rule promulgation.

Bushong/O'Dell
5/0/0
Motion carried

Consideration of Proposed Rule Draft Regarding Beauty Culture Professionals, Beauty Culture Schools, and Beauty Culture Salons

Consideration was tabled due to lack of time to discuss the rule draft.

COMMITTEE REPORTS

A. Application Committee

A motion was made and seconded to accept the application committee report as follows.

Bonn/Bushong
5/0/0
Motion carried.

COSMETOLOGY

A. By Examination:

Clark, Jermaine – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation.
Downam, Christie L. - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation.
Gruss, Nichole Ashley-Ann - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation and fees paid.
Phillips, Kayla – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation.
Watts, Sarah – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation.

B. Reciprocity

Chavez, Paola – Denied, IC 25-8-4-2(b)
Lai, Truc Phuong Thi – Denied, IC 25-8-4-2(b)
Le, Uyen H – Denied, IC 25-8-4-2(b)

Wisconsin –

Tran, Duong Thi – Denied, IC 25-1-11-19(b)(1), fraudulent documentation

C. Provisional:

Prajapati, Minaxi – Denied, IC 25-8-4-2.9(b)(1)

INSTRUCTOR APPLICATION:

A. By Examination:

Scholl, Shannon – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation.

MANICURIST APPLICATIONS

A. By Examination:

Huynh, Nhien - Approved

B. By Reciprocity:

Dang, Ken Kha – Denied, IC 25-8-4-2(c)
Huynh, Thai Van – Denied, IC 25-8-4-2(c)
Pham, Tien Thi – Denied, IC 25-1-11-19(b)(1), fraudulent documentation
Tran, Thu Thi Kim – Denied, IC 25-8-4-2(c)

BARBER APPLICATIONS

A. By Examination:

Butler, Philip D. - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation. May not practice on minors.
Hobbs, Charles E. – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation.
Maye, Darius – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation and fees paid.
Mootye, Herron – Approved on PROBATION with no right to petition for withdrawal of probation until completion of criminal probation and fees paid.
Pace, Frederick - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation.
Prichard, Dustin J. – Approved on PROBATION with no right to petition for withdrawal of probation until completion of criminal probation and fees paid. May not practice on minors.

B. Provisional:

Yakubu, Ibrahim – Denied, IC 25-8-12.1-13(b)(1)

FACILITY APPLICATIONS

A. Beauty Culture Salons

The Corner Loft, 2316 E 116th Street, Loft 11, Carmel, IN 46032 – Approved on PROBATION with no right to petition for withdrawal until proof of completion of fees paid and a passed inspection.
Davi Nails Spa, 2936 E 79th Ave, Merrillville, IN 46410 – Denied due to failed inspection.
Hobart Nails and Spa, 1405A S. Lake Park Ave, Hobart, IN 46342 - Approved on PROBATION due to unlicensed practice.
Just Sayin Design, 108 South Mishawaka Street, Akron, IN 46910 - Approved on PROBATION with no right to petition for withdrawal of probation until completion of criminal probation.
Stay Sharp Hair Quarters, 2204 N. Walnut, Muncie, IN 47303 – Approved on PROBATION with no right to petition for withdrawal of probation until completion of criminal probation.
Yen OP Nails, 2074 E. Commercial Ave, Lowell, IN 46356 – Denied due to failed inspection.

B. Beauty Culture School

Flory Beauty School LLC d/b/a Nazdira Beauty School, 4767 N Post Road, Indianapolis, IN 46226 – Denied, does not meet IC 25-8-5-3.

ADJOURNMENT

The meeting adjourned at 7:12 p.m.